

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

David M. Russell,

Plaintiff,

v.

Case No. 2:20-cv-4064

Commissioner of  
Social Security,

Defendant.

ORDER

This matter is before the court for consideration of the May 21, 2021, report and recommendation of the United States magistrate judge to whom this case was referred pursuant to 28 U.S.C. §636(b). The magistrate judge concluded that the administrative law judge erred in failing to explain why he did not include certain limitations opined by the state agency psychologists in plaintiff's residual functional capacity. The magistrate judge recommended that the decision of the Commissioner be reversed and that the case be remanded pursuant to 42 U.S.C. §405(g), sentence four, for further proceedings consistent with the report and recommendation.

The report and recommendation specifically advised the parties that failure to object to the report and recommendation within fourteen days of the report would result in a waiver of the right to have the district judge review the Report and Recommendation *de novo* and a waiver of the right to appeal the decision of the district court adopting the report and recommendation. Doc. 22, p. 10. The time period for filing objections to the report and recommendation has expired, and no party has objected to the report and recommendation.

The court agrees with the report and recommendation of the magistrate judge (Doc. 22) and it is hereby adopted. The decision of the Commissioner is reversed, and this case is remanded to the Commissioner under 42 U.S.C. §405(g), sentence four, for further proceedings consistent with the report and recommendation. The clerk shall enter judgment reversing the decision of the Commissioner and remanding this case.

Date: June 8, 2021

s/James L. Graham  
James L. Graham  
United States District Judge